

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE BOLES, JR.,

Plaintiff,

Case No. 1:07-CV-277

v.

Hon. Richard Alan Enslen

GARY LEWIS, *et al.*,

Defendants.

ORDER AND PARTIAL JUDGMENT

For the reasons set forth in the Opinion issued this date,

IT IS HEREBY ORDERED that Plaintiff's Objections (Dkt. No. 121) are **GRANTED IN PART AND DENIED IN PART**; Defendants Lewis, Case, Christiansen, Tefft, Richardson, Haynie, Lowery and Jackson's Objections (Dkt. No. 119) are **GRANTED IN PART AND DENIED IN PART**; and Defendant Migliorino's Objections (Dkt. No. 114) are **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge issued August 22, 2008 (Dkt. No. 112) is **ADOPTED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge issued August 28, 2008 (Dkt. No. 113) is **ADOPTED IN PART AND REJECTED IN PART** as set forth in the Opinion.

IT IS FURTHER ORDERED that Defendant Migliorino's Motion to Dismiss (Dkt. No. 93) is **DENIED**; Defendants Lewis, Case, Christiansen, Tefft, Richardson, Haynie, Lowery and

Jackson's Motion for Summary Judgment (Dkt. No. 58) is **GRANTED IN PART AND DENIED IN PART**; and Plaintiff's Motion for Partial Summary Judgment (Dkt. No. 55) is **DENIED**.

IT IS FURTHER ORDERED that Defendants Lowery, Jackson, Haynie and Tefft are entitled to summary judgment on all claims against them, and they are hereby dismissed as party Defendants; Defendant Christiansen is entitled to summary judgment on the retaliation claim made against him; Defendant Case is entitled to summary judgment on that portion of Plaintiff's retaliation claim alleging that Case retaliated against Plaintiff by issuing a major misconduct ticket on January 11, 2005; Defendant Richardson is entitled to summary judgment on that portion of Plaintiff's retaliation claim alleging that Richardson retaliated against Plaintiff by issuing a major misconduct ticket on January 20, 2006. Defendants Case, Christiansen and Richardson are not entitled to summary judgment on Plaintiff's Eighth Amendment claims against them. Defendants Case and Richardson are not entitled to summary judgment on the remaining portions of Plaintiff's retaliation claims against them. Defendant Migliorino is not entitled to dismissal of any claim against him.

DATED in Kalamazoo, MI:
September 30, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE